MR. K. KRISHNAN NAYAR (*Pattanamtitta*) : May I know the action taken?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : An enquiry into these irregularities was conducted by a Sub-Committee appointed by the Bank itself, and on the recommendation of that Sub-Committee, the loss was made good, and there the matter rested. Now that the complaint has come up again, the matter requires looking into more closely.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*) : I wish to know exactly what was the result of the enquiry last year ?

MR. C. N. SRIRENGANATHA SASTRI (*Ag. Secretary to Government*) : Sir, as a matter of fact, the Bank itself appointed a Sub-Committee to look into the matter. They probed into the matter, and as a result, the loss was made good to the parties concerned, and temporarily there was some satisfaction. Again complaints have arisen, and the Registrar thought that the matter should not rest there, and he directed the Assistant Registrar to investigate into the matter and audit the accounts of the Bank.

ADJOURNMENT MOTION.

PRESIDENT : Mr. Damodaran Asan wishes to move for the adjournment of the business of the House to consider "the arrival at Trivandrum of a Jatha of more than 400 pedestrians from Nooranad and adjacent pakuthies in Mavelikara taluk on account of the grievances of the inhabitants of the locality at the proposal of the Government to locate the Leper Asylum at Nooranad."

This is not a matter of urgent public importance by any means and so I disallow it.

THE TRAVANCORE MUNICIPAL REGULATION AMENDMENT BILL.

PRESIDENT : The next business is the continuation of the consideration of the Municipal Regulation Amendment Bill. Mr. Nilakanta Pillai will now move his amendment to clause 203.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, I move that in clause 203, sub-clause (1), the word "shall" may be substituted for the word "may". The clause is this :

> "The Municipal President *may*, on application by the owner or occupier of any building, arrange, in accordance with the rules and bye-laws, to supply water thereto for domestic consumption and use."

The object of the amendment is to make the municipality under an obligation to supply water for domestic consumption, if there is a demand by the person who wants the supply of water. We have passed several Sections of the Bill here by which both the Government and the municipality have been given powers without any restriction to impose taxation upon all or any people living in any section of the

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[Mr. K. P. Nilakanta Pillai.]

municipality for the introduction of water-supply. On the other hand, there is no obligation on the part of the municipality or the Municipal President to supply water for domestic consumption if there is a demand for water-supply. The other day I was emphasising before the House that if the people of a particular locality are not deriving any benefit out of the water-supply, that locality should be exempted from taxation on account of this water-supply. Now, the municipality on the one hand or the Government on the other hand have been given powers to tax the poople soon after the water-supply is introduced into the city. Under these circumstances, it is nothing but justice that the municipality must be under an obligation to supply water when we are prepared to pay for the water supplied. Similar provisions occur in the Madras District Municipalities Act in force in Madras. Section 129 of that Act says:

"The Municipal Council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants."

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What about the "funds" please, which finds a place in that Act?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I shall explain it to the member. Again, Section 145 of that Act says:

"The council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order."

There are several other similar Sections also in that Act. All begin in this way that "*the Municipal Council shall*". With reference to the question which Mr. E. V. Krishna Pillai put as to the funds, the whole Section if read and understood will show that so many restrictions are imposed by the various provisions attached to that Section before the Municipal President may be forced to supply water.

First of all the Municipal Council's permission is necessary. Secondly the man who applies for the supply of water must undertake to meet all the expenses. There are many other conditions. Unless a particular house is within one hundred feet of the main, the municipality or the Municipal President is not enabled by this provision to look into that application. Therefore, by accepting this amendment we are not unnecessarily compelling the municipality or the Municipal President to supply water when there is a demand for water from the people of the house. On the other hand, there are several conditions which restrict the right of the citizen to demand the supply of water. Unless all those conditions are satisfied to the satisfaction of the Municipal President and with reference to the provisions of the Bill, the municipality or the Municipal President is not obliged to look into or consider the application at all. Therefore, when powers have been given to the municipality to impose a tax up to 15 per cent. and when the people are ready to pay that, when, as a matter of fact, the municipality and the Government introduce water-supply, even when we have given the powers to tax the people of a particular locality or a particular

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house without taking into consideration whether that locality or that house, as a matter of fact, receives the supply of water, when all these wide powers are given to the municipality on the one hand or to the Government on the other, I, in all earnestness ask where is the unreasonableness in this amendment of mine and should there not be an obligation on the part of the municipality to supply water to an honest man who, as a matter of fact, requires water. It is for this purpose that this amendment is tabled. The request is only very reasonable and just. Yesterday it has been admitted here that the municipality is not doing its duty properly. We also say that it should not be left to the whims and fancies of the Municipal President to supply water or not to the people even if they are prepared to meet the cost. If there is a demand and if we satisfy all the restrictions, then I ask the question why should not the municipality be prepared to supply water, especially when we have been given the information that there is plenty of water. According to the scheme placed before the House there cannot be any scarcity of water supply for the whole of Trivandrum town. Therefore I ask the question why not the municipality be obliged to supply water if, as a matter of fact, there is honest demand for water.

MR. P. S. MAHOMED (*Nominated*): (*Not heard*).

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is with reference to that, that clause has been passed.

MR. P. S. MAHOMED (*Nominated*): (*Not heard*).

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Sir, I raise a point of order whether private conversation, between members is allowed?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have already explained it to the member that unless the house is within one hundred feet of the main, the house owner cannot demand the supply of water. If any area is exempted, the whole question goes. But the municipality has been empowered to tax any area whether that is supplied with water or not. Now the question is if there is a house owner within one hundred feet of the main and the house owner is prepared to meet the expenses and if there is a real need for water, should there not be an obligation on the part of the municipality to supply water to that man provided he satisfies all the conditions enumerated under this clause. I think I have made myself perfectly clear in regard to this matter.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Without a provision for vesting all the water-works in the municipality can the Municipal Council be placed under an obligation to supply water?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Anyhow, there is the general clause which I brought to the notice of the members of this House the other day, that is clause 191 (2) that at any time the Government may hand over the whole water-works to the municipality and withdraw from the whole scheme. There is that provision.

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MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Suppose it is not done?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Anyhow, for discussing the matter further with reference to the particular Section under which this amendment is moved, absolutely no mention is made here whether the municipality should get the permission of the Government as it is in the case of the other Sections. Probably, the Government may or may not permit the municipality to extend the scheme outside the town limits. There also the argument was that Government permission ought to be obtained. This refers only to a minor fact. Suppose there are one hundred houses and only twenty are supplied with water and there are the other houses lying between. A man naturally feels the necessity for good water and he demands for the supply of water and he is prepared to pay for it. This is only a minor item. When the municipality is given the power to tax the people of the locality and do everything in their power to push through the water-supply scheme I only ask the question should there not be an obligation also thrown upon the municipality to supply water if the man who demands the water is prepared to meet the cost of it and is able to satisfy all the conditions enumerated in this Section.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): I second it. Sir, it is only in the fitness of things that the municipality, when once the function of water supply devolves on it, is made compulsorily to provide water to the people who ask for it, especially in view of the following proviso that the President shall not, without the sanction of the Municipal council, agree to supply water. There is sufficient restriction placed upon the Municipal President for the supply of water also.

Then again, this supply is always required in accordance with the provisions of the Regulation so that it is not always in the discretion of the Municipal President to supply this water. He is already fettered by the Municipal Council as well as by the provisions of the Regulation. So, I entirely agree with Mr. Nilakanta Pillai in saying that the Municipal President shall not on that account refuse to supply water to the applicants from within the municipal limits.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Suppose the municipality has no funds?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): It is only when there is sufficient fund that water would be supplied.

MR E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Where is the provision for it?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): It is already in the Regulation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I do not know of any provision in the Regulation to say that it will be obligatory on the municipality only if there are funds.

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Water-supply being primarily the function of the municipality, the municipality should

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undertake to provide funds. And it is for the Government to help the municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): Is it the member's view that when a man applies for water, the municipality should ask for a loan from Government and then comply with the request?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the member whether the amendment does not relate to domestic consumption, the cost of which the man who demands will be prepared to meet?

MR. K. P. MADHAVAN PILLAI (*Shertallai*): Yes, it is so. It is only in accordance with the provisions of the Regulation and so there is no difficulty.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid that I cannot accept this amendment. I admit that the Municipal President should be under obligation to supply water to the owner or occupier of any building to the extent that it is open to him to do under the rules and bye-laws. But I am not agreeable to the proposal that the Regulation itself should lay down an obligation upon the Municipal President to supply water irrespective of all conditions.

Mr. K. P. Nilakanta Pillai referred to a provision in the Madras District Municipalities Act as an argument for the proposition that the municipality should supply water. That provision does not refer to the supply of water to the owners or occupiers of buildings. That provision merely says—

> "The Municipal Council shall, so far as the funds at its disposal may admit provide a sufficient supply of water fit for the domestic use of the inhabitants."

That does not mean that the supply of water is to the owners or occupiers of buildings. It only says that the municipality should provide water within the city for domestic consumption. There is however, another Section, Section 131, which Mr. Nilakanta Pillai did not read. It says—

> "In Municipalities in which there is a pipe-supply of water the chairman may at his discretion on application by the owner or the occupier of any building arrange in accordance with the bye-laws to supply water thereto for domestic consumption and use."

That is the Section of the Madras Act that corresponds to Section 203 in the Bill and that, as the House must have understood says, "the Chairman may *at his discretion*". There it is expressly stated that he may arrange only *at his discretion*.

Now, Sir, that is stated for a very good reason, because it may not be possible to take the water to the door of every house and it may not therefore be possible to supply water to every owner or occupier. I have not however incorporated that expression here. Instead, I have introduced the words "in accordance with the rules and bye-laws"

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[Mr. Kayalam Paramesvaran Pillai.]

Therefore, if the rules say who shall be supplied with water, then the Municipal President will have necessarily to supply, because he is bound to obey the rules. Then again there are the bye-laws which are made by the Council with the sanction of the Government of course. If the bye-laws say that he shall supply water under certain conditions, he is bound to obey the bye-laws and supply water. It is not because the Regulation places an obligation upon him but because he is bound to obey the bye-laws. Again, if the bye-laws intend that under certain circumstances the supply shall be arranged at his discretion there will be the discretion on the part of the Municipal President not because the Regulation gives him the discretion but because the bye-laws give him the discretion.

Sir, when I was considering this provision whether the Municipal President should be given discretion or not I thought it necessary that a provision should be made for the Government also to have a voice in the matter.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I know from the Law Member whether even if the rules and the bye-laws passed under this Regulation place an obligation on the President to supply water, the Section does not take away that obligation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir; because the Municipal President is bound to obey the rules and bye-laws. That is obligatory on him. It would be seen that the rules are to be made by Government. If it happens that the municipality does not seem to be active but is negligent, then Government can step in and make rules for the supply of water. I have provided for that also. So, I have tried as much as I could for putting an obligation on the Municipal President, subject, of course, to the condition that he will act only under the rules and bye-laws. So, I have omitted the term "at his discretion" and have also added "in accordance with the rules and bye-laws". I think, Sir, there is ample protection for the citizens. The Municipal President is bound to comply with the rules and bye-laws and there is no need for any apprehension that the Municipal President will not act in accordance with them.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I have nothing more to add.

PRESIDENT: Do you wish to press your amendment?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): No, Sir.

The amendment was, by leave, withdrawn.

The question that Section 203 stand part of the Bill was put and carried and the Section was added to the Bill.

SECTION 204.

The following amendment was not moved.

MR. K. P. NILAKANTA PILLAI: Clause (1)

Substitute the word "shall" for the word "may."

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The question that Section 204 stand part of the Bill was put and carried and the Section was added to the Bill.

SECTIONS 205, 205 A AND 205 B.

PRESIDENT: There are no more amendments. I put it that Sections 205, 205A and 205B stand part of the Bill.

The question was put and carried and Sections 205, 205A and 205B were added to the Bill.

Preamble.

PRESIDENT: I now put it that the preamble do stand part of the Bill.

The question was put and carried and the preamble was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill, as now settled by the Council, be taken up at a subsequent meeting and passed.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I second it.

PRESIDENT: I take it that the House accepts the motion.

The motion was carried.

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THE JENMI AND KUDIYAN REGULATION AMENDMENT BILL—(*contd.*)

Clause XX]

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, the House has passed XIX clauses and we were at clause XX when the House rose last day. My amendment with regard to clause XX is that the two other clauses may be substituted, namely clauses XX and XX A. The substituted clause XX proposes to incorporate certain Sections in the Regulation for the purpose of enabling the Government to collect the jenmikaram for payment over to the jenmies. The House will remember that the obligation on the part of the Government to take over the collection of jenmikaram and pay to the jenmies was undertaken as a result of the agreement between jenmies and non-jenmies and as a result of their joint recommendation that the Government should undertake this collection. Government, therefore, have undertaken the obligation and I have accordingly drafted the necessary Sections for that purpose and I propose to introduce it by the proposed clause XX. Sir, by the Sections 40 A to 40 L I propose to introduce the requisite procedure for the purpose of settling jenmikarams before their collection is taken over by Government, because, before the jenmikaram is settled, Government cannot take over the collection of jenmikaram.

I shall now briefly explain the scheme of these Sections. Section 40 A is merely a statement of the principle. Sections 40 B to 40 D provide for the settlement of jenmikarams and the preparation of a Jenmikaram Register.

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